

Immerese" or "Bitonto Style," as the case might be, "Olio Eccellente," "Insuperabile per Insalata," on the said labels appearing, purported that said article was a foreign product, when, in fact and in truth, it was a domestic product, and for the further reason that said statements were false and misleading and were intended to deceive and mislead the purchaser in that they represented to purchasers of said article that the same was olive oil, whereas it was not. Misbranding was alleged for the further reason that by means of the said statements and designs on the label it was falsely branded as to the country in which it was produced, and for the further reason that it was food in package form, and the quantity of the contents thereof was not plainly and conspicuously marked on the outside of the package.

On March 3, 1920, the defendant entered a plea of guilty, and the court imposed a fine of \$25.

E. D. BALL, *Acting Secretary of Agriculture.*

7828. Adulteration and misbranding of canned tomatoes. U. S. * * * v. 1,000 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product ordered released under bond. (F. & D. No. 11557. I. S. No. 14018-r. S. No. E-1898.)

On December 18, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,000 cases of canned tomatoes, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about October 8, 1918, by A. W. Sisk & Son, North Wales, Md., and transported from the State of Maryland into the State of New York, and charging adulteration and misbranding under the Food and Drugs Act. The article was labeled in part, "Love Apple Brand Love Apple Tomatoes Packed by W. J. Wright & Sons, North Wales, Md."

Adulteration of the article was alleged in the libel for the reason that tomato pulp had been mixed and packed with the article and substituted wholly or in part for canned tomatoes, which the product purported to be, and for the further reason that it consisted in whole or in part of a filthy, putrid, and decomposed vegetable substance.

Misbranding of the article was alleged for the reason that the statement, "Love Apple Brand Love Apple Tomatoes," and the design of whole ripe tomatoes appearing on the label, regarding the article and the ingredients and substances contained therein, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, tomatoes.

On March 10, 1920, Albert W. Sisk, claimant, having consented to a decree and having filed a stipulation admitting the truth of the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,500, in conformity with section 10 of the act, conditioned in part that the product be relabeled under the supervision of this department.

E. D. BALL, *Acting Secretary of Agriculture.*